IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CIVIL APPLICATION NO.2762 OF 2004
IN
WRIT PETITION NO. 8647 OF 2004

Shri Waman Laxman Thukrul. ..Petitioner
( Org. Defendant )

Vs.

Shri Sahadoor Kalu Yadav. ..Respondent
( Org.Plaintiff )

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Shri D.V.Powar, Advocate for the Petitioner.

Shri P.R.Arjunwadkar, Advocate for the Respondent.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 8th APRIL, 2005.

P.C.

1. Heard. The present civil application has been filed praying for the following reliefs:

"The present Civil Application be allowed and the ad-interim relief for stay be granted of the execution proceedings in the Regular Darkhast No.18 of 2004 pending in the Court of the Joint Civil Judge, (J.D.), Thane arising out of the Judgment and Order passed on 5.8.2004 in the Civil M.A.No.95 of 2004 by the Addl.District Judge, Thane for rejection and

the ex-parte judgment, order and decree passed on 14.10.2003 in the Regular Civil Suit No.55 of 2003 by the IInd Joint Civil Judge (J.D.) Thane.

. The Petitioner be allowed to delete the above said sentence in para 2 of the Writ Petition if it appears to be Contempt of Court or the written apology dated 29.10.2004 of the Petitioner be accepted and the Petitioner be discharged from the said order and/or the said order dated 27.10.2004 for Contempt of Court passed in the above writ petition by this Hon'ble Court be recalled by granting further reliefs if any considering the case of the Petitioner as this Hon'ble Court may deem fit and proper in the interest of justice."

2. The present application has been filed in the Writ Petition No.8647 of 2004, which was already dismissed by the order of this Court on 27th October, 2004. The said petition having been already dismissed, the question of grant of any relief in the nature of stay of execution proceedings in the Regular Darkhast No.18 of 2004 and allowing the petitioner to delete the sentence from the paragraph 2 of the memo

of writ petition, by entertaining a civil application after disposal of the writ petition, cannot arise, and on that count itself, the stay of execution proceedings in Regular Darkhast No.18 of 2004 as well as deletion of the sentence from the paragraph 2 of the memo of writ petition cannot be granted.

3. As regards the request for discharge of the petitioner from and/or recall of the order dated 27th October, 2004, certainly the petitioner will have ample opportunity to satisfy the Court dealing with the contempt proceedings, if the petitioner desires to get those proceedings disposed of in his favour. The question of granting any relief in the nature asked for in the application under consideration filed in the writ petition which has already been disposed of, does not arise at all.

4. For the reasons stated above, therefore, the present civil application is rejected, with no order as to costs.

( R.M.S.Khandeparkar, J )